

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

C. P., by and through his parents, Patricia
Pritchard and Nolle Pritchard, individually
and on behalf of others similarly situated;
and PATRICIA PRITCHARD,

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF
ILLINOIS,

Defendant.

CASE NO. 3:20-cv-06145-RJB

ORDER ON PLAINTIFFS'
MOTION FOR LEAVE TO FILE
SECOND AMENDED
COMPLAINT AND SETTING
ORAL ARGUMENT

This matter comes before the Court on the Plaintiffs' Motion for Leave to File a Second Amended Complaint and to Add Parties as Additional Class Representatives. Dkt. 175. The Court has considered the pleadings filed regarding the motion and the remaining record. It is fully advised.

We start this analysis with the understanding that Summary Judgments have been granted in favor of Plaintiffs and against Defendants covering liability issues. Also now pending are Plaintiffs' Motion for Classwide Declaratory and Permanent Injunctive Relief, and Award of

1 Individual Nominal Damages to Named Plaintiffs (Dkt. 153) and Blue Cross Blue Shield of
2 Illinois's Motion to Decertify the Class (Dkt. 156).

3 Plaintiffs are faced with the challenge that a class representative, Patricia Prichard, has
4 changed jobs, changing her future relationship - and that of her son- with the Defendants.
5 Plaintiff timely moved to amend the complaint to join other class members to fill the gap left by
6 Ms. Prichard's job change. Plaintiffs supply a good deal of information about the proposed new
7 class representatives, Emmett Jones and SL by and through her parents, SR and RL, and clearly
8 present grounds making an amendment reasonable.

9 The Court does not see the necessity of further discovery in regard to this Motion to
10 Amend. The discovery deadline passed on August 5, 2022. Basic liability has been determined.
11 Further delay in this aging case is not called for. The Plaintiffs' arguments on the quality of the
12 new class representatives may be part of the subject of Defendant's motion to decertify the class.
13 The Court declines Plaintiffs request to arrange for further discovery pursuant to FRCP
14 26(b)(2)(c)(i & ii).

15 The deadline to join new parties was April 30, 2021. Dkt. 15. Pursuant to Rule 16(b)(4),
16 the case schedule may be modified for good cause.

17 The Plaintiffs have shown good cause for a modification of the case schedule to add
18 named Plaintiffs. Through no fault of C.P., his mother's employment changed in August of 2023
19 and he is no longer subject to Blue Cross's administration of the CHI Plan. It is doubtful that he
20 can represent the class as to one form of the relief sought: prospective injunctive relief. Class
21 counsel moved promptly to find other class members who were willing to be representative
22 plaintiffs. There is good cause to allow for modification of the case schedule to add additional
23 named plaintiffs.

1 As is relevant here, under Rule 15(a)(2), “a party may amend its pleading only with the
2 opposing party’s written consent or the court’s leave. The court should freely give leave when
3 justice so requires.” A motion to amend under Rule 15 (a)(2), “generally shall be denied only
4 upon showing of bad faith, undue delay, futility, or undue prejudice to the opposing party.”
5 *Chudacoff v. University Medical Center of Southern Nevada*, 649 F.3d 1143 (9th Cir. 2011).

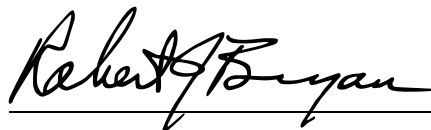
6 Plaintiffs’ motion to amend the Amended Complaint to add the additional named
7 plaintiffs (Dkt. 175) should be granted. There is no showing that the motion to amend was made
8 in bad faith. Further, the while the motion is being made well after the deadline, the delay is not
9 undue. Plaintiffs move to amend to add the new named Plaintiffs within a few weeks of the
10 Court lifting the stay on the case and three weeks after Ms. Pritchard changed her employment.
11 Lastly, Blue Cross is not unduly prejudiced by the amendment. The Plaintiffs do not seek to add
12 any new claims or change class membership. Mr. Jones and S.L. are likely class members. C.P.
13 remains a representative Plaintiff for all but one form of relief: prospective injunctive relief.

14 The Court desires oral argument on pending motions (Dkts. 153 & 156) and is directing
15 the Court's clerk to set those matters for oral argument. The parties may file supplemental
16 (nonduplicative) briefs within 20 days of the date of this Order, and responses may be filed
17 within 30 days of this Order. Oral argument will be set after those 30 days.

18 IT IS SO ORDERED.

19 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
20 to any party appearing pro se at said party’s last known address.

21 Dated this 19th day of October, 2023.

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24 ROBERT J. BRYAN
United States District Judge